IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 30504 of 2004(F)

PETITIONER:

C.L.JACOB, AGED 67 YEARS, ASST. EXECUTIVE ENGINEER (RETD.) S/O.LATE C.C.LAZAR, R/A. PRIYADARSHINI NAGAR, PARAVATTANI, THRISSUR -5, ASSISTANT EXECUTIVE ENGINEER, WATER RESOURCES DEPARTMENT, THIRUVANANTHAPURAM.

BY ADV. SRI.P.K.JOSE, SMT.TESSY JOSE.

RESPONDENTS:

1. **THE STATE OF KERALA, REP. BY SECRETARY, WATER RESOURCES DEPARTMENT, THIRUVANANTHAPURAM, THIRUVANANTHAPURAM P.O.**
2. **THE CHIEF ENGINEER, IRRIGATION & ADMINISTRATION, THIRUVANANTHAPURAM P.O. THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. K.V. MANOJ.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.30504/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE G.O. (RT) NO. 909/2004/WRD. DTD. 04/08/2004 ISSUED BY THE R.1.

EXT.P.2: COPY OF THE COMMUNICATION NO. VIG.5-990/96 NO. DTD. 04/08/2004 ISSUED BY THE R.2.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH J.

W.P.(C) No.30504 of 2004

Dated 6th July, 2007.

J U D G M E N T

Petitioner retired form service while working as Executive Engineer, in the year 1992. He is aggrieved by Ext.P1 Government Order. The issue pertains to the steps taken for recovery of the alleged loss caused to the Government in the matter of providing irrigation facilities to the Rice Research Station, Pattambi. It is the stand taken in the counter affidavit that the Government had taken the decision based on the reports of the Comptroller and Auditor General of India as well as the Public Accounts Committee to recover the loss from the concerned officers. According to the petitioner, he cannot be prosecuted against at this distance of time, since the remedy, if at all available is barred by limitation. Reliance is placed on the decision of this Court in W.A.1841/98. In the above circumstances, the writ petition is disposed of making it clear that while taking action against the petitioner, the first respondent will examine whether the remedy as against the petitioner is barred by limitation and only after examining the scope as above, any

action shall be taken, since the petitioner had already been issued a non-liability certificate and his entire dues have been settled long back.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 6th July, 2007.